

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Bryan Ross Benton

Docket No. 7:11-CR-93-1

Petition for Action on Supervised Release

COMES NOW Chip Williams, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Bryan Ross Benton, who, upon an earlier plea of guilty to Bank Robbery and Aiding and Abetting in violation of 18 U.S.C. §§ 2113(a) and 2, was sentenced by the Honorable Robin J. Cauthron, U.S. District Judge for the Western District of Oklahoma, on June 17, 2009, to the custody of the Bureau of Prisons for a term of 10 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 24 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate in a program of substance abuse aftercare at the direction of the probation officer to include urine, breath, or sweat patch testing; and outpatient and/or residential treatment. The defendant shall totally abstain from the use of alcohol and other intoxicants during and after completion of any treatment program. The defendant may be required to contribute to the costs of services rendered (co-payment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.

Bryan Ross Benton was released from custody on May 14, 2010, at which time the term of supervised release commenced. Jurisdiction was transferred to the Eastern District of North Carolina effective July 29, 2011.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On July 6, 2011, the defendant submitted a urine sample which tested positive for marijuana. In response to the use, Benton was placed back into the Surprise Urinalysis Program and monitoring of the defendant was increased. On October 24, 2011, the defendant submitted a urine sample which tested positive for morphine. Benton admitted to taking a morphine tablet which he obtained from an acquaintance to alleviate a headache. The defendant stated that immediately after the ingestion, he realized he had made a mistake. It is noted that he did not attempt to evade detection of the morphine use, as he provided a random urine sample the following day. Benton tested positive for marijuana on November 17, 2011. The defendant completed a substance abuse treatment program on March 15, 2011, he is employed, and has good family support. To address the violations of drug use, it is recommended the judgment be modified to include a 60 day term of Home Detention with electronic monitoring. Additionally, the defendant will be referred back to a substance abuse treatment program. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ Chip Williams
Chip Williams
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: December 2, 2011

ORDER OF COURT

Considered and ordered this 5th day of December, 2011, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge